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DATE: 1 May 2002
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NUMBER OF PAGES (including this transmittal sheet): 5

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RE: U.S. Patent Application
Serial No.: 09/806,526
Filing Date: 30 March 2001
Title: **Method for Treatment of Vulcanized Rubber**
Applicant: Ovidio PEDELI
U.S. National Phase Filing of International Patent Application
Appl. No.: PCT/AU99/00845
Filing Date: 1 October 1999
Priority Date: 1 October 1998
Our File No.: A-70470/DJB/MAK

MESSAGE:

Please see attached Request for Reconsideration of Decision dated 1 May 2002 in the above-referenced international application. (The original of this correspondence will follow by first class mail.)

CERTIFICATE OF FACSIMILE TRANSMISSION

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Todd V. LEONE

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PATENT

Attorney Docket No.: A-70470/DJB/MAK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICEIn re application of:

Ovidio PEDELI

Serial No.: 09/806,526

Filing Date: 30 March 2001

Int'l Appl. No.: PCT/AU99/00845

Int'l Filing Date: 1 October 1999

For: *Method for Treatment
of Vulcanized Rubber*

Examiner: George M. DOMBROSKE

Department: PCT Legal Office

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Box PCT, Assistant Commissioner for Patents, Washington, DC 20231 on 1 May 2002.

Signed: 

Todd V. LEONE

REQUEST FOR RECONSIDERATION OF DECISION

Box PCT
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicant hereby requests reconsideration of the Decision mailed 2 April 2002 with respect to the above-referenced international patent application. A copy of the Decision is attached hereto and incorporated herein by reference.

At page 2, the Decision states:

The Declaration is not acceptable under 37 CFR 1.42 because it does not identify the residence, address and citizenship of BOTH the deceased inventor and of the legal representative. As such, it would be inappropriate to grant relief under 37 CFR 1.42 on the basis of the present record.

Applicant points out that 37 CFR 1.42 states in relevant part:

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent

Nowhere does 37 CFR 1.42 state that it is necessary to identify "the residence, address and citizenship of BOTH the deceased inventor and of the legal representative.

Applicant has submitted ample proof that the legal representative herein is indeed the legal representative. In the absence of legal authority for the Examiner's contention that 37 CFR 1.42 requires the additional information quoted above, applicant submits that the Declaration on file herein should be accepted as fully complying with 37 CFR 1.42.

The Commissioner is hereby authorized to charge any fees that may be required, including petition or extension fees, or credit any overpayment to Deposit Account No. 06-1300 (our Order No. A-70470/DJB/MAK).

Date: 1 May 2002

Respectfully submitted,

FLEHR HOHBACH TEST
ALBRITTON & HERBERT LLP

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In re Application of:

Pedeli

Application No.: 09/806,526

PCT No.: PCT/AU99/00845

Int. Filing Date: 01 October 1999

Priority Date: 01 October 1998

Atty. Docket No.: A-70470/DJB/MAK

For: Method For Treatment
of Vulcanized Rubber

File A-70470 Atty MAK

Due Date 6/2/2002

Type 2 Month OA Refs —
FINAL

DECISION

This is in response to the papers filed on 22 January 2002.

BACKGROUND

This international application was filed on 01 October 1999, and claimed an earliest priority date of 01 October 1998. The International Bureau transmitted a copy of the published international application to the United States Patent and Trademark Office on 13 April 2000. A Demand electing the United States was filed prior to the elapse of 19 months from the priority date. Accordingly, the thirty month period for paying the basic national fee in the United States expired as of midnight on 01 April 2001.

On 30 March 2001, applicant filed the basic national fee accompanied by, *inter alia*, a Transmittal Letter and a surcharge under 37 CFR 1.492(e).

On 22 May 2001, a Notification of Missing Requirements was transmitted to applicants, requiring the submission of an oath or declaration of the inventors. The period for response expired on 22 July 2001, and was subject to extension under 37 CFR 1.136(a).

Applicants filed the instant papers on 22 January 2002.

DISCUSSION

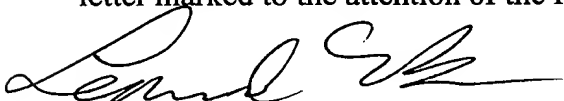
Review of the record reveals that the instant papers were filed on 22 January 2002, and included a Certificate of Mailing under 37 CFR 1.8 dated 20 December 2001. The papers are accompanied by a petition and fee for a five month extension of time under 37 CFR 1.136(a). As

a result, the papers filed on 22 January 2002 are regarded as having been timely filed in response to the Notification of Missing Requirements mailed on 22 May 2001.

The declaration is not acceptable under 37 CFR 1.42 because it does not identify the residence, address and citizenship of BOTH the deceased inventor and of the legal representative. As such, it would be inappropriate to grant relief under 37 CFR 1.42 on the basis of the present record.

If reconsideration on the merits is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Failure to timely file a proper response will result in abandonment of the application.

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, DC 20231, with the contents of the letter marked to the attention of the PCT Legal Office.



Leonard Smith
PCT Legal Examiner
PCT Legal Office



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